

danger to the health and safety of law enforcement personnel.

(e) The following systems of records are exempt from 5 U.S.C. 552a (d)(1) and (e)(1).

(1) Grants of Confidentiality Files (GCF) (JUSTICE/DEA-017).

(2) DEA Applicant Investigations JUSTICE/DEA-018).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(g) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (j)(2) from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4) (G) and (H), (e)(5) and (8), (f), (g), and (h) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G) and (H), and (f) of 5 U.S.C. 552a:

Freedom of Information/Privacy Act Records (JUSTICE/DEA-006).

This system of records listed in paragraph (g) of this section is exempted because the records contained in the system contain Drug Enforcement Administration law enforcement and investigative information. Individual access to these records might compromise ongoing investigations, reveal confidential informants or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation.

These exemptions apply only to the extent that information in this system is subject to exemptions pursuant to 5 U.S.C. 552a(j) and (k).

(h) Exemptions from the particular subsections are justified for the following reasons:

(1) From (c)(3) because the release of the disclosure accounting for disclosure pursuant to the routine uses published for this system would permit the subject of a criminal investigation to obtain valuable information concerning the nature of that investigation and present a serious impediment to law enforcement.

(2) From subsection (c)(4) because an exemption is being claimed for subsection (d) and this subsection will therefore not be applicable.

(3) From subsection (d) because access to records contained in this system would alert a subject to the existence of an investigation and thereby provide information to the subject which might enable him to avoid detection or apprehension, and present serious impediment to law enforcement.

(4) From subsection (e)(1) because in the course of criminal investigations the Drug Enforcement Administration often detects violation of non-drug related laws. In the interests of effective law enforcement, it is necessary that DEA retain all information obtained in criminal investigations because it can aid in establishing patterns of criminal activity and assist other law enforcement agencies that are charged with enforcing other segments of criminal law.

(5) From subsection (e)(2) because the nature of criminal and other investigative activities is such that vital information about an individual can only be obtained from other persons who are familiar with such individual and his/her activities. In such investigations it is not feasible to rely upon information furnished by the individual concerning his own activities.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information, and endanger the life or physical safety of confidential informants.

(7) From subsection (e)(4) (G) and (H) because this system of records is exempt from the individual access provisions of subsection (d).

(8) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions imposed by subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement.

(9) From subsection (e)(8) because the individual notice requirements could present a serious impediment to law enforcement by interfering with the Drug Enforcement Administration's ability to issue administrative techniques and procedures.

(10) From subsection (f) because this system has been exempted from the individual access provisions of subsection (d).

(11) From subsection (g) because the records in this system are generally compiled for law enforcement purposes and are exempt from the access provisions of subsections (d) and (f), rendering subsection (g) inapplicable.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action NE 1275; OAR-FRL-2636-2]

Revision to State Implementation Plan; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 23, 1983, the State of Nebraska submitted a revision to the State Implementation Plan (SIP) to comply with the federal requirements for new source review (NSR); this included both the Part D requirements for nonattainment areas and prevention of significant deterioration (PSD) in attainment areas. EPA reviewed these regulations and proposed to approve them on August 31, 1983. Today's rule takes final action to approve these regulations. The May 23 submission also included a regulation to comply with the stack height requirements of the Clean Air Act, as amended (Act). EPA reviewed this regulation and proposed to approve it based on a commitment by the state to revise the regulation to comply with the Federal requirements for public notice and hearing. This commitment has not yet been fulfilled by the state. Additionally, since the proposal was published, a decision has been rendered by the U.S. Court of Appeals for the District of Columbia Circuit, as explained later in this action, concerning EPA's stack height requirements. Consequently, today's rule takes no action on the state's stack height regulation.

EFFECTIVE DATE: This action is effective August 22, 1984.

ADDRESSES: Copies of the state submission are available for review during normal business hours at the following locations: Environmental Protection Agency, Air Branch, 324 East 11th Street, Kansas City, Missouri 64108; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460; The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington,

D.C., and State of Nebraska, Department of Environmental Control, 301 Centennial Mall South, Lincoln, Nebraska 68509.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791, FTS 758-3791.

SUPPLEMENTARY INFORMATION: On August 9, 1982, EPA received the Nebraska State Implementation Plan revision to comply with the requirements of Part D of the Clean Air Act. EPA took final action to approve certain portions of the submission on March 28, 1983 (see 48 FR 12715 for further information). EPA took no action on the NSR regulations at that time because the state indicated that these regulations were undergoing revisions to more closely parallel the federal requirements for new source review in nonattainment areas published on August 7, 1980.

The revised NSR regulations were submitted as part of a SIP revision by the Governor of Nebraska on May 23, 1983. That submission is the subject of today's action and is comprised of amendments to the following state regulations: Rule 4, "New and Complex Sources; Standards of Performance, Application for Permit, When Required," and Rule 1, "Definitions;" and two new regulations: Rule 4.01, "Prevention of Significant Deterioration of Air Quality," and Rule 3A, "Stack Heights; Good Engineering Practice (GEP)."

New Source Review

Part D of the Clean Air Act, as amended, requires states to include specific new source review regulations in their SIPs for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). Section 172(b)(6) requires plans to have a permit program for the construction and operation of new or modified stationary sources in accordance with the permit requirements of section 173. Specific requirements are codified at 40 CFR 51.18(j). The permit program must assure that when a new source commences operation, there will be sufficient emissions reductions from existing sources to offset the increase in emissions from the new source and to assure reasonable further progress toward attaining the NAAQS; the permit program must require compliance with the lowest achievable emission rate; all sources in the state owned or operated by the permit applicant must be in compliance with all applicable state and federal emission limits; and the applicable implementation plan must be carried out in the nonattainment area in which the source is to be constructed.

EPA has reviewed the revisions to Nebraska Rule 4, "New and Complex Sources; Standards of Performance, Application for Permit, When Required," and the supporting definitions in Rule 1 and finds that these rules closely parallel Federal regulations and meet all requirements of section 172(b)(6) and section 173 of the Act, and the requirements for new sources in nonattainment areas published on August 7, 1980.

The previous lack of an approved SIP which included new source review regulations for nonattainment areas in Nebraska led to the imposition of the construction moratorium (on July 1, 1979), required by section 110(a)(2)(I) of the Act, on all primary nonattainment areas in the state. This action will remove the construction moratorium in the primary nonattainment areas for which a Part D SIP revision has been approved by EPA.

Prevention of Significant Deterioration (PSD)

Section 161 requires each implementation plan to contain emission limitations and other measures to prevent significant deterioration of air quality in each region which is designated attainment or unclassified under Section 107 of the Act. Specific requirements are codified at 40 CFR 51.24. In addition, EPA's regulations promulgated for areas which have no approved SIP are found at 40 CFR 52.21. The new Nebraska Rule 4.01 adopts the Federal PSD requirements by reference.

The EPA has reviewed the new Nebraska Rule 4.01, "Prevention of Significant Deterioration of Air Quality" and finds that this rule meets the requirements of 40 CFR 51.24.

Under this program, Nebraska will be issuing permits and establishing emission limitations that may be affected by the current judicial review of stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). For this reason, EPA has requested that the state include the following caveat in all potentially affected permit approvals until the judicial process is completed and the stack height regulations either upheld by the court or revised by EPA:

"In approving this permit, the Nebraska Department of Environmental Control has determined that the application complies with the applicable provisions of the stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). Portions of these regulations have been overturned by a panel of the U.S. Court of Appeals for the D.C. Circuit, *Sierra Club v. EPA*, 719 F.2d 436 (D.C. Cir., 1983). That court decision has been

appealed to the U.S. Supreme Court by a group of affected industries. Consequently, this permit may be subject to modification when the judicial process is completed and any regulations revised in response. This may result in revised emission limitations or may affect other actions taken by the source owners or operators."

Nebraska made an enforceable commitment to include this caveat in all affected permits by letter dated May 30, 1984. This letter is part of the SIP revision EPA is approving today.

Stack Heights

Section 123 prohibits stacks taller than good engineering practice (GEP) height and other dispersion techniques that would affect the emission limitation required for the control of any air pollutant to meet the NAAQS or PSD air quality increments. Specific requirements are found at 40 CFR 51.12 (j), (k) and (l).

Before the state submits to EPA a new revised emission limitation that is based on a demonstration of GEP, the state must notify the public of the availability of the demonstration study and must provide opportunity for public hearing on it [see 40 CFR 51.12(j)].

EPA has reviewed Nebraska Rule 3A and finds that the requirements of 40 CFR 51.12(j) are not met by this Rule, as written. The deficiency in the language of the regulation has been discussed with the state. The state has committed to clarifying the language of the regulation accordingly. This commitment has not yet been fulfilled by the state. Additionally, on October 11, 1983, the U.S. Court of Appeals for the District of Columbia Circuit ordered EPA to reconsider portions of the stack height regulations for stationary sources under Section 123 of the Clean Air Act, and reversed other portions of EPA's stack height requirements. The remainder of the stack height regulations were upheld. See *Sierra Club and Natural Resources Defense Council, Inc. v. EPA*, Nos. 82-1384, 82-1412, 82-1845, and 82-1889 (D.C. Cir., October 11, 1983). Consequently, it would be inappropriate for EPA to take action on the Nebraska stack height regulation pending EPA's response to the court decision.

The May 23, 1983, submission discussed in this rulemaking was proposed for approval on August 31, 1983 (48 FR 39472). The reader is referred to the proposal for further discussion. No comments were received as a result of the proposed rulemaking.

ACTION: EPA approves the revisions to Nebraska Rules 4 and 1, and approves the new Nebraska Rule 4.01. EPA takes no action on Nebraska Rule 3A.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the EPA Region VII office.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 21, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the Federal Register on July 1, 1982.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

List of Subjects in 40 CFR Part 52:

Intergovernmental relations, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

Date: July 16, 1984.

William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart CC—Nebraska

1. Section 52.1420 is amended by adding a new paragraph (c)(29) to read as follows:

§ 52.1420 Identification of plan.

* * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(29) Revisions to Rule 1 "Definitions," and to Rule 4, "New and Complex Sources; Standards of Performance, Application for Permit, When Required;" and a new regulation: Rule 4.01, "Prevention of Significant Deterioration of Air Quality," were submitted by the Governor on May 23, 1983; clarifying letter dated May 30, 1984.

* * *

2. Section 52.1439 is revised to read as follows:

§ 52.1436 Significant deterioration of air quality.

The requirements of sections 160 through 165 of the Clean Air Act are met except as noted below.

EPA is retaining § 52.21 (b) through (w) as part of the Nebraska SIP for the following types of sources:

(a) Sources proposing to construct on Indian lands in Nebraska; and,

(b) Enforcement of permits issued by EPA prior to the July 28, 1983, delegation of authority to Nebraska.

[FR Doc. 84-19342 Filed 7-20-84; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6550

[U-50216]

Utah; Withdrawal of Lands for Reclamation Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 159.91 acres of land within the Ashley National Forest, for use by the Bureau of Reclamation in constructing recreation facilities associated with the Upalco Unit of the Central Utah Project. This action will close the land to mining, but not to surface entry or mineral leasing, for 20 years.

EFFECTIVE DATE: July 23, 1984.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described land which is under the jurisdiction of the Secretary of Agriculture, is hereby withdrawn from location or entry under the general mining laws (30 U.S.C. Ch. 2), but not from leasing under the general mining laws, and reserved for use by the Bureau of Reclamation, as a recreation facility associated with the Upalco Unit of the Central Utah Project:

Uintah Meridian

T. 2 N., R. 4 W.,

Sec. 4, lots 3 and 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 3 N., R. 5 W.,

Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 159.91 acres in Duchesne County.

2. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

3. The storage, use or control of water will be in accord with existing valid water rights and State law pertaining to appropriation, use, control, and distribution of water.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: July 12, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-19322 Filed 7-20-84; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6551

[A-18542]

Arizona; Withdrawal of Lands for the Department of the Air Force

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 160 acres of public land in Maricopa County, for use by the Department of the Air Force as an integral part of Williams Air Force Base. This action will close the land to surface entry and mining, but not mineral leasing. The withdrawal will remain in effect for 20 years.

EFFECTIVE DATE: July 23, 1984.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office 602-261-4774

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from settlement, sale, location or entry, under the general land laws, including the mining laws, 30 U.S.C., Ch. 2, but not the mineral leasing laws, and reserved for use by the Department of the Air Force as part of Williams Air Force Base: